

AN ORDINANCE approving the awarding of Reference #1WEN002 by the City of Fort Wayne, Indiana, by and through its Department of Purchasing and FALL CREEK DEVELOPMENT CORP. for the Water Engineering Department.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA;

SECTION 1. That Reference #1WEN002 between the City of Fort Wayne, by and through its Department of Purchasing and FALL CREEK DEVELOPMENT CORP. for the Water Engineering Department, respectfully for:

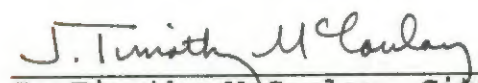
the over sizing costs for Fall Creek Section 1 for the Water Engineering Department;

involving a total cost of Eighteen Thousand Three Hundred Sixty and 82/100 Dollars (\$18,360.82), all as more particularly set forth in said Reference #1WEN002, which is on file in the Office of the Department of Purchasing, and is by reference incorporated herein, made a part hereof, and is hereby in all things ratified, confirmed and approved.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


J. Timothy McCaulay, City Attorney

WATER CONTRACT NO. 9018BOARD ORDER NO. 118-90WORK ORDER NO. 64217

THIS AGREEMENT, made and entered into this 15th day of August, 1990, by and between FALL CREEK DEVELOPMENT CORPORATION hereinafter called CONTRIBUTOR, and the FORT WAYNE WATER UTILITY of the CITY OF FORT WAYNE, Indiana, by and through the MAYOR and the BOARD OF PUBLIC WORKS AND SAFETY, of said City, hereinafter called UTILITY, WITNESSETH:

That the said CONTRIBUTOR and the said UTILITY for the consideration hereinafter named, agree as follows:

1. That the UTILITY and the CONTRIBUTOR shall proceed dependent upon procurement of materials and labor and with reference to other similar work of said parties to construct water main systems, including all necessary fittings to serve FALL CREEK, SECTION I as follows:

ON BASS ROAD FROM LATHROP DRIVE WESTERLY 1430± LF; ON FALL CREEK PARKWAY FROM BASS ROAD SOUTHERLY TO STILLWATER PLACE; ON STILLWATER PLACE FROM FALL CREEK DRIVE EASTERLY TO THE EAST LINE OF LOT 5 IN FALL CREEK SECTION I; ON FALL CREEK DRIVE FROM STILLWATER PLACE SOUTHERLY TO THE SOUTH LINE OF LOT 22 IN SAID ADDITION; ON MISTY RIVER DRIVE FROM STILLWATER PLACE SOUTHERLY 440± LF.

Said water line to include: 1475± LF OF 12", 755± LF OF 8" AND 755± LF OF 6" DUCTILE IRON WATER MAIN.

2. That said water main system shall be constructed according to the standards, plans, and specifications of the UTILITY or approved by the UTILITY, which are on file in the office of the Engineering Department of the UTILITY, and by reference made a part hereof; and the said UTILITY shall furnish water through said system, when complete, in accordance with rules and regulations of said UTILITY and the laws, ordinances and regulations applicable thereto, now in force, or that may hereafter be adopted.

It is, however, understood and agreed that the UTILITY will not furnish water through any part of parts of the water main covered hereunder, unless and until the entire system shall have been tested, disinfected, and placed in-service and accepted by said UTILITY.

3. It is understood and agreed by and between the parties of this contract, that the CONTRIBUTOR shall furnish all materials, contractual labor and equipment for the construction of said water main system through PORTER CONSTRUCTION, INC. at a cost of \$79,223.00 (SEVENTY NINE THOUSAND TWO HUNDRED TWENTY THREE DOLLARS AND NO CENTS) and that said UTILITY shall provide the necessary labor for inspecting, pressure-testing,

DULY ENTERED FOR TAXATION

JAN 7 1991

Judith Bloom
AUDITOR OF ALLEN COUNTY

WEN

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16.00

disinfection, engineering, tap and assessment valued at \$2,800.00 (TWO THOUSAND EIGHT HUNDRED DOLLARS AND NO CENTS). Therefore, the total cost of said water main system is \$82,023.00 (EIGHTY TWO THOUSAND TWENTY THREE DOLLARS AND NO CENTS), and which amount is in the contract price of this AGREEMENT.

It is further understood and agreed by and between the parties of this contract that said CONTRIBUTOR shall bear the cost of the water main on the basis of a 6" and an 8" water main, the total cost of which is \$60,682.18 (SIXTY THOUSAND SIX HUNDRED EIGHTY TWO DOLLARS AND EIGHTEEN CENTS) and which amount is the contract price of this AGREEMENT. Therefore, it is agreed that upon completion and acceptance of said water main system by said UTILITY, the UTILITY will pay to said CONTRIBUTOR the difference between the cost of material, contractual labor and equipment, as supplied by the Contractor, as referred to above and the contract price of this agreement, said difference being \$18,360.82 (EIGHTEEN THOUSAND THREE HUNDRED SIXTY DOLLARS AND EIGHTY TWO CENTS).

4. It is further understood and agreed by and between the parties of this contract that should any additional party wish to have service connection tap made into this water main within a period of fifteen (15) years from the above date and become a permanent consumer of water on the NORTH SIDE OF BASS ROAD FROM THE WEST RIGHT OF WAY LINE OF LATHROP DRIVE WESTERLY TO A POINT 675' WEST OF THE WEST RIGHT-OF-WAY LINE OF LEESBURG ROAD, OR ON THE SOUTH SIDE OF BASS ROAD FROM THE POINT OF INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF BASS ROAD WITH THE SOUTH PROLONGATION OF THE WEST RIGHT OF WAY LINE OF LATHROP DRIVE WESTERLY TO THE EAST LINE OF LAND CONVEYED TO FALL CREEK DEVELOPMENT CORPORATION IN DOCUMENT #90-6222 (OFFICE OF THE ALLEN COUNTY RECORDER); OR ANY PART OR PARTS THEREOF, they shall apply to said UTILITY for a permit to tap said water main, and shall be required to pay said UTILITY their share of the installation cost in addition to the regular tapping fee, which share shall be \$9.80 (NINE DOLLARS AND EIGHTY CENTS) per front foot.

The money so collected shall be paid to FALL CREEK DEVELOPMENT CORPORATION. The Above property is located in the NORTHWEST ONE QUARTER OF SECTION 4, TOWNSHIP 30 NORTH, RANGE 12 EAST AND THE SOUTHWEST ONE QUARTER OF SECTION 33, TOWNSHIP 31 NORTH, RANGE 12 EAST, ALLEN COUNTY, INDIANA.

5. It is further understood and agreed that, upon completion of said water main system, the CONTRIBUTOR or his contractor shall file a COMPLETION AFFIDAVIT and a MAINTENANCE BOND with the BOARD OF PUBLIC WORKS AND SAFETY of the City. The MAINTENANCE BOND shall run for a minimum period of one (1) year from the date of acceptance of said system of the CITY and shall be in the minimum amount of \$19,806.00 (NINETEEN THOUSAND EIGHT HUNDRED SIX DOLLARS AND NO CENTS).

After receipt of the COMPLETION AFFIDAVIT and MAINTENANCE BOND, the UTILITY will make final inspection of the project. Upon finding the project to be acceptable and in full compliance with the standards and specifications of the UTILITY, the Board of Public Works and Safety will issue a letter of acceptance of the project to the CONTRIBUTOR. Upon issuance of the acceptance letter, and in accordance with the terms of that letter, the water main and fittings installed under this contract shall form and be a part of the water works system of said UTILITY, and all rights, title, and interest whatsoever in said water main system shall become and remain in the City of Fort Wayne, Indiana.

WITNESS THE HANDS AND SEALS OF SAID PARTIES, the day and year first above written.

CITY OF FORT WAYNE, INDIANA

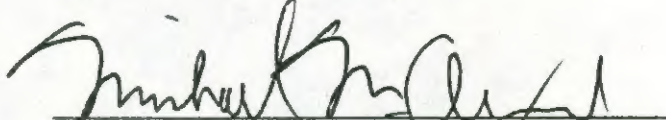
BY: 

Paul Helmke, Mayor

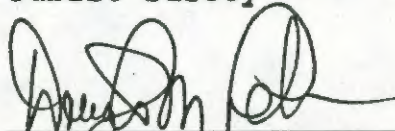
BOARD OF PUBLIC WORKS AND SAFETY



Charles E. Layton, Director
Public Works

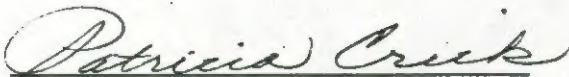


Michael McAlexander, Director
Public Safety



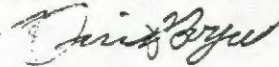
Douglas M. Lehman, Director
Administration and Finance

ATTEST:



Patricia Crick, Clerk

APPROVED AS TO FORM AND LEGALITY:



ASSOCIATE CITY ATTORNEY
R. David Boyer, Associate
City Attorney

THIS DOCUMENT PREPARED BY:
TERRY ATHERTON, P.E., L.S.
DIRECTOR OF WATER RESOURCES

CONTRIBUTOR: FALL CREEK DEVELOPMENT CORPORATION

BY: 

BARRY LIGHT, SECRETARY

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public, in and for said County and State, this 16th day of Aug., 1990, personally appeared the within named PAUL HELMKE, CHARLES E. LAYTON, MICHAEL McALEXANDER, DOUGLAS M. LEHMAN, and PATRICIA CRICK, to me personally known, who being by me duly sworn, said that they are respectively MAYOR OF THE CITY OF FORT WAYNE; CHAIRPERSON, MEMBERS AND CLERK OF THE BOARD OF PUBLIC WORKS AND SAFETY OF THE CITY OF FORT WAYNE, INDIANA and that they signed said instrument on behalf of the Fort Wayne Water Utility of the City of Fort Wayne, Indiana, with full authority to do so and acknowledged said instrument to be the voluntary act and deed of said Department of said City for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed my name, and affixed my official seal.

CAROLYN S. ESCHMANN
NOTARY PUBLIC STATE OF INDIANA
ALLEN CO.
MY COMMISSION EXPIRES JUNE 21, 1991
ISSUED THRU INDIANA NOTARY ASSOC.

Carolyn S. Eschmann
Notary Public

Printed name of Notary

A resident of _____ County.

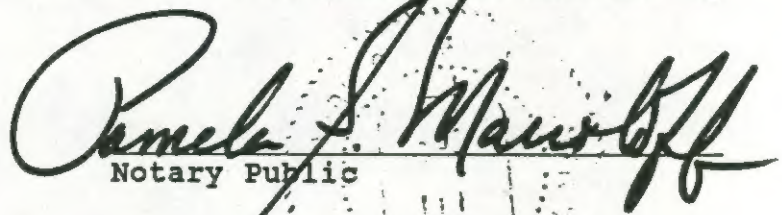
My commission expires:

ACKNOWLEDGEMENT

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

BEFORE ME, a Notary Public in and for said County and State, this 9th day of August, 1990, personally appeared the within named BARRY LIGHT, SECRETARY, being by me first duly sworn upon his oath, says that he is the SECRETARY of FALL CREEK DEVELOPMENT CORPORATION, CONTRIBUTOR herein, and as such, duly authorized to execute the foregoing instrument for the uses and purposes therein set forth.

IN WITNESS WHEREOF, hereunto subscribed by name, and affixed my official seal.


Notary Public

PAMELA S. MANOLOFF
Printed name of Notary

A resident of ALLEN County.

My commission expires:

3-19-93

Read the first time in full and on motion by Burns, seconded by Quinn, and duly adopted, read the second time, title and referred to the Committee on City Ordinances (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, at _____ o'clock _____ M., E.S.

DATED: 3-26-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Burns, seconded by Quinn, and duly adopted, placed on its passage. PASSED yes by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			
BRADBURY	<u>✓</u>			<u>1</u>
BURNS	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
REDD				
SCHMIDT	<u>✓</u>			<u>✓</u>
TALARICO	<u>✓</u>			

DATED: 4-9-91

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 1-94-91 on the 9th day of April, 1991.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 10th day of April, 1991 at the hour of 1:30 o'clock _____ M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of April, 1991, at the hour of 10:15 o'clock _____ M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE: Special

DEPARTMENT REQUESTING ORDINANCE: Purchasing

SYNOPSIS OF ORDINANCE: An ordinance approving the award of Ref. No. 1WEN002 for over sizing costs for Fall Creek Section 1 through the Water Engineering Department. The cost reflects the most responsive vendor.

IF NOT LOWEST, WHO WAS AND WHY WERE THEY NOT AWARDED:

EFFECT OF PASSAGE: Porter was the lowest of three (3) quotations provided by the developer. The amount due is cost incurred for over sizing an 8" main to a 12" main.

IF REPLACEMENT, WHAT NECESSITATES:

✓ 91-03-40

EFFECT OF NON-PASSAGE: Not stated by Department.

PRIOR APPROVAL REQUESTED:

MONIES INVOLVED: Fall Creek \$18,360.82

PRICE AGREEMENT:

PURCHASE ORDER: Yes

ACCOUNT INFORMATION: Water Eng 513-523-W107-4454

PRIOR APPROVAL:
(IF APPLICABLE)

DATE:

BILL NO. S-91-03-40

REPORT OF THE COMMITTEE ON CITY UTILITIES

PAUL M. BURNS, CHAIRMAN
CHARLES B. REDD, VICE CHAIRMAN
EDMONDS, LONG, SCHMIDT

WE, YOUR COMMITTEE ON CITY UTILITIES TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) approving the awarding of
Reference #1WEN002 by the City of Fort Wayne, Indiana, by and
through its Department of Purchasing and FALL CREEK DEVELOPMENT
CORP. for the Water Engineering Department

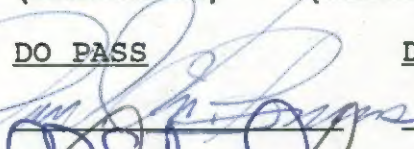
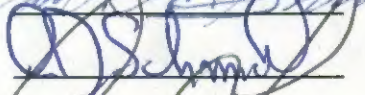
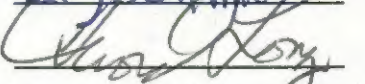
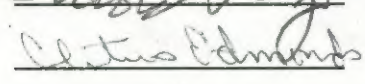
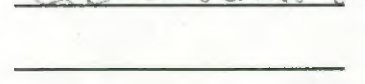
HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

DATED: 4-9-91.

Sandra E. Kennedy
City Clerk